S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5714/2007
(Enayat Khan and Ors. Vs. State of Rajasthan)

DATE OF ORDER : 06/12/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Sandeep Mehta for the petitioners.
Mr. Ashok Upadhayay, Public Prosecutor for State.
Mr. Suresh Kumbhat for the complainant.

Heard learned counsel for the petitioners and Public Prosecutor for the State as also the counsel appearing for the complainant. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioners that earlier Smt. Manshi filed an FIR being FIR No. 11 dated 8.2.2007 wherein she stated that the land has not been partitioned and it can only be sold after partition and giving way to her and thereafter she had a preemptive right to purchase the land.

Having regard to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, without commenting on the merit of the case, I consider it just and proper to allow the bail application filed by the petitioners under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioners Enayat Khan S/o Ibrahim Khan, Rashid Khan S/o Ibrahim Khan, Imran Khan S/o Ibrahim Khan and Ibrahim Khan S/o Hasan Khan in FIR No. 80/2007 P.S. Mandar, district Sirohi, they shall be released on bail for a period till the police concludes the investigation and files the challan provided each of them furnishes a personal bond in the sum of Rs.10,000/- alongwith one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial

court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That they shall make themselves available for interrogation by a police officer as and when required;

(ii)That they shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That they shall not leave India without the previous permission of the Court.

The petitioners shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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